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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,728	01/08/2004	Eric Torbet		4754

7590 12/28/2004

Eric Torbet  
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EXAMINER

KHAIRA, NAVNEET K

ART UNIT PAPER NUMBER

3754

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/752,728

**Applicant(s)**

TORBET, ERIC

**Examiner**

Navneet Sonia Khaira

**Art Unit**

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on December 7, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejection under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, and 3-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Gill (US 3,586,213)

Referring to claim 1, Gill discloses a device for squeezing collapsible tubes comprising:

- (a) two opposed lever handles (14,16) of handheld size, each lever handle having inward facing surfaces (Fig 9),
- (b) a primary roller (18), having a substantially cylindrical outer surface,
- (c) a secondary roller (20), having a substantially cylindrical outer surface,
- (d) means for rotatably connecting the lever handles (locking 55 in pin 24, Fig 9), positioned so that the inward facing surfaces are approximately parallel,
- (e) means for rotatably attaching (using pin 70) primary roller (18) to one of the lever handles and for rotatably attaching the secondary roller (20) to the other lever handles, such that the rollers are substantially parallel and adjacent (Fig 1 and 6),
- (f) actuating means (22, crank) for rotating the primary roller and thereby advancing the device along a collapsible tube (Fig 7),
- (g) spring means for providing a torque which compels the lever handles to pivot in a

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direction and forces rollers together with a force sufficient to squeeze and flatten a collapsible tube and expel the contents (Col. 3, lines 70-75).

Referring to claim 3, Gill further discloses the cylindrical outer surface of at least one roller being knurled or ribbed (18, Fig 7).

Referring to claim 4, the means for rotatably connecting the lever handles comprises a shackle (encircling surface of 36 and 38) and pintle (24) arrangement (Fig 9).

Referring to claim 5, Gill further discloses means for rotatably attaching the rollers to the lever handles comprise a trunnion (70, Col 3, lines 62-65) and gudgeon arrangement (Fig 6).

Referring to claim 6, Gill further discloses protuberances (74) located at the entrance of the gudgeons, creating a snap fit for the trunnions (70, Col 3, lines 51-60).

Referring to claim 7, Gill further discloses actuating means for rotating the primary roller (18) comprises a crank (22) attached to one end of the primary roller (Col 3, line 69).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gill (US 3,586,213) in view of Dankert (5,495,801).

Referring to claim 2, Gill disclose a device for squeezing collapsible tubes substantially according to claim 1, but does not show a friction sheath made of a tacky material individually covering the cylindrical outer surface of each roller according to the claim 2. Dankert teaches to provide a friction sheath made of a tacky material in order to grasp on to surfaces it touches, such as debris or in this case the surface of the tube (Col 2, lines 33-40).

It would have been obvious to one having ordinary skill in the art to have included the friction sheath made of a tacky material of Dankert in the device for squeezing collapsible tubes of Gill in order to grasp on to surfaces it touches, such as debris or in this case the surface of the tube as taught by Dankert

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gill (US 3,586,213) in view of Ferris (US 2002/0011497 A1)

Referring to claim 8, Gill further discloses a device for squeezing collapsible tubes substantially according to claim 1, but does not show the device where the spring means for providing a torque comprises at least one torsional spring according to the claim 8. Ferris teaches to provide a spring means for providing a torque comprises at least one torsional spring in order to allow for a twisting force to be applied.

It would have been obvious to one having ordinary skill in the art to have included one torsional spring (28, Fig 6) of Ferris in the device for squeezing collapsible tubes of Gill in order to allow for a twisting force to be applied as taught by Ferris

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gill (US 3,586,213) in view of Martin (3,414,166)

Referring to claim 9, Gill further discloses a device for squeezing collapsible tubes substantially according to claim 1, but does not show a spring means for providing a torque comprising at least one compression spring according to the claim 9. Martin teaches to provide a compression spring in order to compress the rollers towards each other.

It would have been obvious to one having ordinary skill in the art to have included the compression spring of Martin in the device for squeezing collapsible tubes of Gill in order to compress the rollers towards each other as taught by Martin (Col 3, lines 63-70).

***Citation of Related Prior Art***

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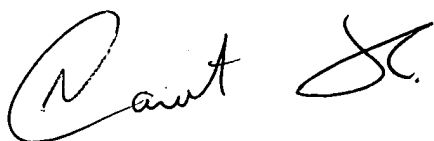
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. GB 2,052,434 reference disclosed a tube squeezing device using a spring connected to handles. Kopp (US 5,118,011) references also disclosed the roller with cylindrical knurled outer surface..

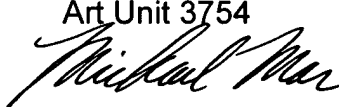
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet Sonia Khaira whose telephone number is 571-272-7142. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mar Y. Michael can be reached at 571-272-4906. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
NK

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Art Unit 3754  
  
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